

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

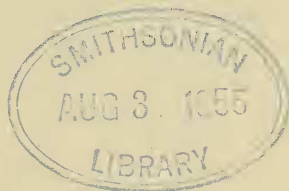
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Secretary to the Commission

VOLUME 1. Section C. Part C.6. Pp. 81—88

DIRECTION 16

Validation, under the Plenary Powers, of Brisson (M.J.),
1760, *Ornithologia sive Synopsis methodica sistens Avium
Divisionem in Ordines* (*Direction* in replacement of
Opinion 37)



LONDON :

Printed by Order of the International Trust for
Zoological Nomenclature
and

Sold on behalf of the International Commission on Zoological
Nomenclature by the International Trust at its Publications Office
41, Queen's Gate, London, S.W.7
1955

Price Four Shillings

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 16

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DIRECTION 16

VALIDATION UNDER THE PLENARY POWERS OF
BRISSON (M.J.), 1760, "ORNITHOLOGIA SIVE
SYNOPSIS METHODICA SISTENS AVIUM
DIVISIONEM IN ORDINES" ("DIRECTION"
IN REPLACEMENT OF "OPINION" 37)

RULING :—(1) It is hereby directed under the Plenary Powers that the generic names published in Brisson (M.J.), 1760, *Ornithologia sive Synopsis methodica sistens Avium Divisionem in Ordines* are to be accepted as having availability under the Law of Priority, notwithstanding the fact that they were published by an author who in the work concerned did not apply the principles of binominal nomenclature.

(2) The title of the foregoing work as validated under the Plenary Powers under (1) above and with the note there specified, is hereby placed on the *Official List of Works Approved as Available for Zoological Nomenclature* with the Name No. 17.

(3) *Opinion* 37 is hereby cancelled for all except historical purposes.

I.—THE STATEMENT OF THE CASE

Acting under instructions given to it by the Twelfth International Congress of Zoology, Lisbon, 1935, the International Commission on Zoological Nomenclature prepared for the consideration of the Thirteenth International Congress of Zoology, Paris, 1948, a Report containing recommendations for the settlement of the long-outstanding controversy regarding the meaning to be attached to the expression "nomenclature binaire" as then used in Proviso (b) to Article 25 of the *Règles*. In this Report the Commission concluded that the foregoing expression, as used in Articles 25 and 26 of the *Règles*, had exactly the same meaning as that which would have been conveyed if the expression used had been "nomenclature binominale". The Commission recommended that the latter expression should be substituted for the equivocal expression "nomenclature binaire". Having reached this conclusion, the Commission recommended the adoption of a simple and rapid mechanism for the validation by the Commission of names in common use which had first been published in works by authors who, though not using a binominal system of nomenclature, had recognised the twofold concept of genus and species and had employed a single word as the name for the genus, i.e. by authors who up to that time had commonly (though incorrectly) been known as "binary but not binominal authors". The Commission further recommended that a Schedule (to be known as the "First Schedule") should be annexed to the *Règles* in which should be inscribed particulars of all decisions in relation to individual names and individual books taken by the Commission under its Plenary Powers. Finally, realising that the decision on the meaning of the expression "nomenclature binaire" which it was recommended should be adopted by the Congress would inevitably have repercussions on the Rulings previously given by it in certain *Opinions* on individual cases, the Commission examined from this point of view each of the *Opinions* so far rendered by it. One of the *Opinions* so involved was *Opinion* 37 (1911, *Smithson. Publ.* 2013 : 87—88), in which the following Ruling had been given by the Commission which at that time held the view expressed in its *Opinion* 20 that generic names published by non-binominal authors were acceptable

under Article 25 of the *Règles* : “ Brisson’s (1760) generic names of birds are available under the Code ”. On the future status of the Ruling given in this *Opinion* the Commission in its Report to the Paris Congress submitted (in paragraph 39(7)) the following recommendation¹ :—

- (7) Having regard to the fact that by the incorrect statement embodied in the Commission’s *Opinion* 37, ornithologists have been misled ever since 1911 into believing that the generic names proposed by Brisson in 1760 in his *Ornithologia* complied with the provisions of the *Règles*, the entry “ Brisson (M.J.), 1760, *Ornithologia sive Synopsis methodica sistens Avium Divisionem in Ordines* ” be added forthwith to the proposed First Schedule to the *Règles* as the title of a book, generic names in which are to be accepted as having availability under Article 25, notwithstanding the fact that they were published by an author who in the work concerned did not apply the principles of binominal nomenclature.

2. Registration of the present application : Up to the time of the meeting held by the International Commission at Paris in 1948, it was not certain whether any further action was needed in regard to *Opinion* 37, since this depended on the view to be taken by the Paris Congress on the recommendation relating to the question of principle regarding the meaning to be attached to the expression “ nomenclature binaire ” as used in the *Règles*, which it was proposed to submit to that Congress. Accordingly, during that period the question of the future of *Opinion* 37 was dealt with jointly with the problem raised by the expression “ nomenclature binaire ” in the Commission’s File Z.N.(S.) 112. For the purpose of preparing the present *Direction*, the Brisson problem has been re-registered separately, being allotted the Registered Number Z.N.(S.) 933.

¹ See 1950, *Bull. zool. Nomencl.* 5 : 167.

II.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. At the Fourth Meeting of its Paris Session held on Thursday, 22nd July 1948 at the Sorbonne in the Amphithéâtre Louis-Liard at 0900 hours the International Commission approved and adopted the Report on the use of the expression “ nomenclature binaire ” in the *Règles Internationales de la Nomenclature Zoologique* described in the first paragraph of the present *Direction* (Paris Session, 4th Meeting, Conclusion 3) (1950, *Bull. zool. Nomencl.* 4 : 63—66), The Commission agreed to submit this Report to the Paris Congress in satisfaction of the instructions on this matter given to it by the Lisbon (1935) Congress. Among the recommendations which the Commission so decided to submit to the Congress was the recommendation regarding the status of Brisson's *Ornithologia* set out in paragraph 39(7) of its Report, as quoted in the first paragraph of the present *Direction* (see Conclusion 3, Point (3)(iv)). The Report so adopted by the International Commission was submitted to the Section on Nomenclature at a meeting held on Friday, 23rd July 1948 at 0900 hours. The Commission's Report was approved and adopted by the Section on Nomenclature (1950, *Bull. zool. Nomencl.* 5 : 23—26) and, with other proposals submitted by the Commission and approved by the Section on Nomenclature, was submitted to, and approved and adopted by, the Thirteenth International Congress of Zoology, Paris, 1948, at its Final Plenary Session held on Tuesday, 27th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 131). The Commission's Report was annexed to, and published with, the proceedings of the Section on Nomenclature of the Paris Congress (1950, *ibid.* 5 : 152—167).

4. The decision recorded in the present *Direction* was concurred in by the following sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice*

Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

5. The Ruling given in the present *Direction* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

6. At its meeting held at Copenhagen in August 1953, the Fourteenth International Congress of Zoology decided to insert a provision in the *Règles* establishing an "Official List" to be styled the *Official List of Works Approved as Available for Zoological Nomenclature* and directing the insertion therein of the title of any work which the International Commission on Zoological Nomenclature might declare to be an available work or might validate under its Plenary Powers, together with any supplementary decisions which the Commission might take in regard to any aspect of such a work (1953, *Copenhagen Decisions zool. Nomencl.* : 24, Decisions 24 & 25). Since the foregoing provision applies to past, as well as to future, decisions by the International Commission in cases of this kind, the opportunity presented by the preparation of the present *Direction* has been taken to record the insertion in the foregoing *Official List* of the title of Brisson's *Ornithologia* of 1760, together with a note defining the extent to which that work has been validated by the Commission under its Plenary Powers. The same opportunity has been taken to record that, under the decision taken by the Commission as to the procedure to be followed when previously rendered *Opinions* are either codified or corrected, the decision taken in the present case in replacement of that set out in *Opinion 37* involves the cancellation of that *Opinion* for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 132—137).

7. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission

by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

8. The present *Direction* shall be known as *Direction Sixteen* (16) of the International Commission on Zoological Nomenclature.

DONE in London, this Third day of April, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING